

Mr Mark Ludlam

19 Peel Moat Road, Heaton Moor, Stockport, SK44PL

The Planning Inspectorate

Temple Quay House, 2 The Square Temple Quay, Bristol, BS1 6PN

Town and Country Planning Act 1990 (as amended)

The Town and Country Planning (Inquiries Procedure) (England) Rules 2000

Appeal under Section 78 – Non-determination

Appellant: Mark Ludlam

Local Planning Authority: Barnsley Metropolitan Borough Council

Application Reference: 2025/0104

Site Address: Darley Cliffe Hall, Kingwell Road, Worsbrough, Barnsley S70 4AG

Proposal: Change of use of a residential dwelling house (C3) to holiday accommodation (C1)

Date of Application: 18 February 2025

1. Grounds of Appeal: Non-determination within statutory period

Pursuant to Section 78 of the Town and Country Planning Act 1990, the Appellant appeals against Barnsley MBC’s failure to determine the planning application within the 8-week statutory period, which expired on 18 April 2025. No request for an extension was made or granted, and no determination has been issued as of the date of this appeal. Barnsley MBC have refused to advise of the progress of the application on 4 separate occasions. Barnsley MBC Planning Manager and Chief Executive Officer have similarly ignored all correspondence.

2. Context and Need

2.1 Policy Support from Barnsley MBC’s Local Plan and Economic Strategy

Barnsley’s Local Plan (adopted January 2019) emphasises the need to attract new business and diversify housing stock in appropriate locations, to boost the local economy and enhance opportunities for both residents and incoming visitors

haveyoursay.sheffield.gov.uk/barnsley.gov.uk.

Moreover, the South Yorkshire Destination Management Plan (2024–29), to which Barnsley Council contributes, specifically identifies the need to expand and diversify local accommodation offers—including boutique and holiday accommodations—as a way to generate higher visitor spend, support jobs, and strengthen the visitor economy

southyorkshire-ca.gov.uk.

Barnsley Council’s 2024–25 Productivity Plan, acting under the broader Barnsley 2030 agenda, similarly advocates for place-based regeneration and economic diversification, reinforcing a policy environment that welcomes new tourism-led development

barnsley.gov.uk.

2.2 Grant of Previous Change of Use Permission

A prior permission for change of use for the same property—subject to a two-year post-occupancy review—was granted, but lapsed before the property was let. This constitutes a fresh determination, reinforcing the Applicant's entitlement to pursue the proposed use.

Prior permission restricted the use to non-congregation at the front of the house and no outside music, notwithstanding a management plan submitted with the prior application took concrete anticipatory measures to restrict noise pollution and disruptive guest behaviour. A similar voluntary management plan accompanies the present application and is submitted with this Appeal. The restriction to no outside music and no use of the front of the house constituted a serious restriction to the quiet enjoyment of the guests as compared to the quiet enjoyment neighbours are entitled to. Please see correspondence with Rachael Roddiss (designated planning officer for the application) at Barnsley MBC which sets out the Appellants reservations on the no outside music restriction. This restriction would be impossible to police as guests would on occasion ignore the demand that there be no outside music. They would do this because a guest paying good money for a weekend stay would treat such a restriction as unreasonable. The previous restriction of the prohibition of outside music would invite complaints from neighbours and would have the unintended consequence of setting up the holiday let to fall. Guests should receive the same quiet enjoyment as neighbours and exercise the same respect and understanding that good neighbours afford each other: the management plan is designed to manage good and respectful behaviour.

It is also submitted in this Appeal that a 2-year review of the property is restrictive and puts a Sword of Damocles over the property. The LPA and the Planning Inspectorate have enough evidence to determine the application without the requirement of a review process. Once again a review process invites complaints to the LPA and puts the business under unnecessary strain. The voluntary management plan is part of the application, and any breaches of the management plan can be addressed by the LPA using standard provisions.

3. Voluntary Management Plan to Safeguard Neighbours

The Appellant has prepared and offers to implement a comprehensive voluntary management plan designed to:

- Control occupancy levels and guest behaviour
- Institute quiet hours and noise limits
- Undertake regular property inspections
- Provide emergency contact details to neighbours

These measures directly mitigate risks of noise disturbance or antisocial behaviour, ensuring a high standard of neighborly conduct.

4. Precedent and Planning Balance

The proposal addresses multiple policy objectives:

- **Economic regeneration:** aligns with Barnsley’s productivity and employment strategy, supporting local businesses and diversification
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- **Visitor economy:** supports strategic goals to grow short-break stays and higher value tourism in South Yorkshire southyorkshire-ca.gov.uk
- **Housing adaptability:** reuses an existing dwelling, avoiding new housing land and supporting sustainable intensification

5. Accompanying Documentation

The application is supported by a comprehensive bundle, including:

- Site Plan
- Garden Plans Front and Rear
- Location Plan
- Management Plan (voluntary)
- Scaled Building Plans and Elevations
- Design & Access Statement
- Heritage Report
- Site of Significance Statement
- Full Application Form to Barnsley MBC
- Statement of application
- Copy of all e mails to Planning Officer, Planning Manager and Leader Barnsley MBC
- Land Registry documentation proving title

6. Conclusion & Request

Given that:

1. The application exceeds statutory determination timelines,
2. Planning policy frameworks actively promote this type of use,
3. Darley Cliffe Hall is a large detached house in its own grounds.
4. A robust voluntary management plan ensures neighbour protection, and
5. The prior permission has lapsed, unjustifying any further delay...

...the Appellant respectfully requests that the Planning Inspectorate:

- **Proceed with the appeal under Section 78,**
- **Grant planning permission** for the change of use to holiday accommodation, on the terms applied for.

Signed: Mark Ludlam
Mark Ludlam

1/7/2025

Administrative Checklist

- Completed Appeal Form
- Copy of original application
- Proof of Submission (18 Feb 2025)
- Associated supporting documents (as listed)

Should the Inspector require any further clarification or information, the Appellant is willing to provide promptly.

Yours faithfully,

Mark Ludlam